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UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

CLERK  
U.S. DISTRICT COURT  
MINNEAPOLIS, MINNESOTA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 21-CR-108-PAM

DEREK MICHAEL CHAUVIN,

Defendant.

NOTICE OF APPEAL

PLEASE TAKE NOTICE: on July 21, 2023 defendant conducted a legal conference call with an appellate/post-conviction attorney, Mr. Paul D. Petruzzi, of Miami, FL, and was notified for the first time by Petruzzi that in May 2023 the government breached the binding Fed. R. Crim. P. 11(c)(1)(C) plea agreement in this case by seeking an amended judgment to include a restitution order that defendant did not agree to, nor have any prior knowledge of.

Defendant declares under the penalty of perjury, 28 U.S.C. Section 1746, he has not been served with any notice of an amended judgment from the clerk of this court, or from his former defense counsel, Mr. Eric Nelson. Since February 2023 defendant has contacted Nelson directly, and through third party family members, to obtain copies of certain documents but Nelson refuses to correspond and/or answer defendant's communications.

Instead, defendant has only been able to obtain access to case materials and pertinent documents for post-conviction relief from his former appellate counsel in the state of Minnesota, Mr. William Mohrman, thus far. Because the May 2023 amended judgment was imposed without supplying representation and/or due process to defendant - where he could be notified and object to the unilateral imposition of a restitution order not included by the plea agreement - defendant appeals.

This appeal is brought pursuant to Garza v. Idaho, 139 S. Ct. 738, 744-745 (2019), because had defendant been notified of the government's request to seek an amended judgment and/or the Court's unilateral imposition of the amended judgment - defendant would have directed Nelson to immediately file a notice of appeal upon that judgment. Due to the complete lack of notice, and the spontaneous discovery of the amended judgment from Petruzzi, this appeal should be filed instant.

Respectfully Submitted,

x

Mr. Derek Michael Chauvin

Date: 07/22/2023

